

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

STEVEN MCDERMOTT and
STACEY MCDERMOTT
Plaintiffs,

v.

DOCKET NO: 04-CV-12253

FEDEX GROUND PACKAGE SYSTEMS,
INC., T.S. PRUITT, ALLEGIANCE
HEALTHCARE, INC., D. PONCE, E.W.
WYLIE CORPORATION, D.W. SMITH,
ARSENBERGER TRUCKING, INC., J.T.
FOSBRINK, RYDER TRUCK RENTAL,
LORRAINE ODZANA as
ADMINISTRATRIX OF THE ESTATE OF
JAMES J. ODZANA, SHORELINE
TRANSPORTATION, INC., JACLYN
PALETTA as ADMINISTRATRIX OF
THE ESTATE OF MARIO J. CASTRO
Defendants.

MOTION OF DEFENDANTS, ARSENBERGER TRUCKING, INC. AND J.T. FOSBRINK
TO DISMISS FOR LACK OF PERSONAL JURISDICTION

The defendants, Arsenberger Trucking, Inc. (“Arsenberger”) and J.T. Fosbrink, hereby move pursuant to Fed. R. Civ. P. 12(b)(2) that all claims and cross-claims against them be dismissed for lack of personal jurisdiction. In support of their motion, the defendants rely upon the attached Memorandum of Law and the Affidavit of Stephen Brooks, both of which are filed herewith.

Respectfully submitted,

The Defendant,
ARSENBERGER TRUCKING, INC.,
By its Attorneys,

/s/Cheryl A. Enright

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CERTIFICATE OF SERVICE

I hereby certify that is document filed through the EFC system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 27th day of July, 2007.

/s/Cheryl A. Enright

Cheryl A. Enright, BBO No. 552237